S.B. Cr. Bail Application No. 4973/2007
(Gulab Ji Vs. State of Rajasthan)

Date of order : 10.12.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. P.R.Mehta for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned and challan papers as also statements of prosecution witnesses.

It is contended by learned counsel for the petitioner that cause of death of Dhapu is injury to left lung and haemorrhage shock as a result of injuries. The injury to lung has been caused by co-accused Lala.

I have carefully gone through the statement of the prosecution witnesses more particularly the eye witnesses.

The petitioner was said to have been armed with sword and inflicted injuries to the deceased which corroborates from the postmortem report. The deceased suffered as many as four fractures. It cannot be said at this stage that the petitioner

has not participated in commission of the crime. Since the petitioner was armed with deadly weapon and inflicted injuries which corroborates from the postmortem report, in my view, it is not a fit case to release the petitioner on bail.

The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

rp